

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CC.MEXICANO.US, LLC,

Plaintiff(s),

vs.

AERO II AVIATION, INC., et al.,

Defendant(s).

Case No. 2:14-cv-00108-JCM-NJK

REPORT AND RECOMMENDATION

Pending before the Court is the order for Defendant Crittenden to show cause why default judgment should not be entered against him. Docket No. 189. In that order to show cause, the Court identified several violations of court orders, including Defendant Crittenden's failure to appear at the settlement conference held by the Court. *See id.* Moreover, Defendant Crittenden had been warned on several occasions that his failure to comply with Court orders may result in the imposition of sanctions, including case-dispositive sanctions. *See id.* The deadline to respond to the order to show cause was May 2, 2016. *See id.* To date, Defendant Crittenden has not responded, nor has he sought an extension of that deadline.

The willful failure of Defendant Crittenden to comply with the Court's orders is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than

1 dismissal are unavailable because Defendant Crittenden has wilfully refused to comply with multiple
2 court orders despite the warning that dismissal may result.

3 Accordingly, the undersigned hereby **RECOMMENDS** that default judgment be entered against
4 Mr. Crittenden.

5 DATED: May 9, 2016

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7 NANCY J. KOPPE
United States Magistrate Judge

8 **NOTICE**

9 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in
10 writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme
11 Court has held that the courts of appeal may determine that an appeal has been waived due to the failure
12 to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474
13 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time
14 and (2) failure to properly address and brief the objectionable issues waives the right to appeal the
15 District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*,
16 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.
17 1983).